

SENATE BILL 2326

By Dixon

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 3, relative to private probation supervision, counseling and collection services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 3, is amended by adding Sections 2 through 10 of this act as a new, appropriately designated part.

SECTION 2. There is created the private probation services council.

SECTION 3. The purpose of the council is to insure that uniform professional and contract standards are practiced and maintained by private corporations, enterprises and entities engaged in rendering general misdemeanor and felony probation supervision, counseling and collection services to the courts.

SECTION 4. Unless the context requires otherwise, as used in this act:

(1) "Council" means the private probation services council.

(2) "Governing authority" means the elected body of any county, municipality or metropolitan government with statutory power to enter into written contracts with corporations, enterprises or entities to provide public services.

(3) "Private entity" means a privately owned and operated corporation, enterprise or entity which contracts to provide general probation supervision, counseling

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and/or collection services for persons convicted of a misdemeanor or felony and placed on probation.

SECTION 5. The council shall be attached to the administrative office of the courts for administrative purposes.

SECTION 6.

(a) The council shall consist of the following eleven (11) voting members:

(1) Five (5) members who shall be appointed to serve for four (4) year terms as follows:

(A) One superior court judge who shall be appointed by the council of superior court judges, representing a judicial circuit under contract with a private entity;

(B) One state court judge who shall be appointed by the council of state court judges, representing a county under contract with a private entity;

(C) One probate court judge who shall be appointed by the council of probate court judges, representing a county under contract with a private entity;

(D) One magistrate court judge who shall be appointed by the council of magistrate court judges, representing a county operating contract with a private entity; and

(E) One municipal court judge who shall be appointed by the council of municipal court judges, representing a municipality under contract with a private entity;

(2) Five (5) members who shall be appointed by the chief justice of the supreme court to serve four (4) year terms as follows:

(A) One publicly employed probation officer;

(B) One private probation officer or individual with expertise in private probation service by virtue of training or employment, currently serving in a judicial circuit operating under contract with a private entity;

(C) One county commissioner; and

(D) Two (2) criminal court judges; and

(3) The commissioner of correction or the commissioner's designee.

(b) Subsequent vacancies on the council shall be filled in the same manner as initially filled.

SECTION 7. The council shall annually elect from its membership a chairperson, vice chairperson and such other officers as shall be deemed expedient.

SECTION 8. The administrative office of the courts shall provide staff services for the council.

SECTION 9. The council shall meet at least once each quarter and at such times and places as necessary and convenient.

SECTION 10. The purpose of the council is to insure that uniform professional and contract standards are practiced and maintained by private corporations, enterprises and entities rendering general misdemeanor and felony probation supervision, counseling and collection services to the courts. To such end, the council shall:

(a) Provide oversight of private entities;

(b) Promulgate uniform professional standards and uniform contract standards for private entities;

(c) Establish forty (40) hours of orientation for new private probation officers and twenty (20) hours of annual continuing education;

(d) Promulgate rules and regulations regarding noncompliance with the uniform professional standards and uniform contract standards;

(e) Promulgate rules and regulations requiring periodic registration of all private entities;

(f) Publish an annual summary report; and

(g) Promulgate rules and regulations requiring criminal records checks of all private probation officers.

SECTION 11. This act shall take effect July 1, 1998, the public welfare requiring it.